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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,522	06/23/2006	Dani Peleg	06033/LH	2941
1933 7590 07/25/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER CABRERA, ZOILA E	
			ART UNIT 2125	PAPER NUMBER
			MAIL DATE 07/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,522

Applicant(s)

PELEG, DANI

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Mecham et al.** (US 6,314,340).

As for claims 1 and 13, **Mecham** discloses a garden-controlling system and method, said system comprising: a) a plurality of area-controllers, each of said area controller has a programming capability and communication capability and wherein each of said area-controllers capable to collect and transfer information (Fig. 6); b) a garden-controller with a programming capability and a communication capability enables to communicate with a computing means and to communicate with each of said area-controllers in order to program, update and/or modify said area- controllers' program (Fig. 6; Col. 12, lines 35 to Col. 13, line 16; Col. 16, line 33 to Col. 18 line 9); and c) a programming-software to be installed on a computing means enables to program, update and/or modify said garden- controllers' program via said communication capability (Fig. 6, Col. 17, lines 50-65).

Regarding claims 4-7,

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4. The system of claim 1, wherein each of said communication capabilities can be one or plurality of the following: • phone line or wire communication; • cellular communication; • electromagnetic waves wireless communication; • blue-toot communication; • electro-optical communication; and/or; • *any other communication method or system* (Col. 10, lines 30-34).

5. The system of claim 1, wherein each of said area-controller operative - according to a program, a predetermined criteria or a command from the garden-controller - for at least one of the followings: • *opening and closing irrigation valves*; • activating a water pump; • opening and closing fertilization valves; • activating a fertilization pump; • turns illumination means on and off; and/or • *activating any other apparatus or system* (Fig. 6).

6. The system of claim 1, further includes a plurality of sensors that are connected to at least part of said area-controllers and wherein each of said area-controllers collects information from said sensors, uses said information for local use and transmits said information to said garden-controller via said communication capability and wherein said programming-software can pull said information from said garden-controller (Fig. 6).

7. The system of claim 6, wherein said sensors could be any combination of the followings: • rain sensor • ground humidity sensor • water supply sensor • fertilizer sensor • pressure sensor • *any other sensor* (Col. 5, lines 52-65).

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As for claims 11-12, mecham discloses,

11. The system of claim 1, wherein said area-controller and/or said garden-controller capable to transmit an alarm - to a predetermined communication address or phone number, via said communication capability - according to a predetermined criteria (Col. 16, lines 26-32).

12. The system of claim 1, wherein said area-controller and/or said garden-controller capable to receive a code from any communication apparatus and performs predetermined actions (Col. 16, lines 64-67).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mecham et al. (US 6,314,340)** in view of **Petite et al. (US 6,437,692)**.

As for claims 3 and 14, **Mecham** discloses the limitations of claims 1 and 13 above but fails to specifically disclose the limitations of claims 3 and 14. However, **Petite** discloses such limitations as follows:

An Internet web site, said web site communicates with a plurality of garden-controllers, said web site holds updated information regarding each garden that is

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controlled by said garden-controller and wherein said web site enables to pull update information from each garden-controller and enables to use said programming-software to program, update and/or modify each of said garden-controllers' program (Figs. 8 and 13; Col. 13, lines 1-30; Col. 16, lines 13-34).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the irrigation control system of Mecham with the system and method for monitoring and controlling remote devices of Petite because it would provide an improved control system for monitoring a variety of environmental and/or other conditions within a defined remotely located region (Petite, Abstract).

Claims 2 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mecham et al. (US 6,314,340)** in view of **Morgan (US 2003/0076281)**.

Mecham discloses the limitations of claim 1 above and further discloses:

As for claim 2,

2. The system of claim 1, wherein said programming-software operative for: • on-screen programming - a specific program for each of said area-controllers - of irrigation, fertilization, and apparatus activating of each area of a given garden; • on-screen programming of said garden-controller; • setup the operation-criteria of each of said programs; • pulling task-performance information and other collected information from said area-controllers; and • update and/or modify each of said programs via said communication capability (Fig. 6; Col. 12, lines 35 to Col. 13, line 16; Col. 16, line 33 to Col. 18 line 9).

3. As for claims 8-9, Mecham discloses updating or modifying according to a predetermined criteria or sensors or commands from the program (Col. 13, lines 18 to Col. 14, line 67).

However, **Mecham** fails to specifically disclose, as for claims 2 and 8, activating illumination according to the location area structure and time sequence. But **Morgan** discloses an illumination system for controlling the illumination of plants wherein plant growth can be accelerated by precisely controlling the spectrum of light they are grown in (Page 36, [0369]). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Mecham** to include an illumination system as taught by **Morgan** because it would provide an improved system for illuminating plants being grown in a greenhouse environment (Morgan, [0369]).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Mecham et al. (US 6,314,340)** in view of **Simon et al. (6,507,775)**.

Mecham discloses the limitations of claim 1 above but fails to specifically disclose a solar power supply. However, Simon discloses a solar power supply used in conjunction with an irrigation system (Col. 2, lines 43-53). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of Mecham with the irrigation system of Simon because it would

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provide an improved control system by including a solar power supply and thereby minimize the energy cost.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (571) 272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. Additionally, the fax phones for Art Unit 2125 are (571) 273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Primary Examiner
7/20/07


ZOILA CABRERA
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7/20/07